**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION.**

CRIMINAL APPLICATION NO.3427 OF 2004

Shri Subhash Haribhau Kudale, .. Applicant

Vs

The State of Maharashtra, .. Respondent

Mr.Y.S.Shinde, for the applicant.

Mr K.V.Saste, APP for the respondent.

**CORAM : D.B.BHOSALE,J.**

**DATE : 24th AUGUST, 2004.**

**PC:**

1. Heard the learned counsel for the parties.

2. Mr.Shinde, learned counsel for the applicant, prays for withdrawal of this application with liberty to the applicant to file an application for bail afresh before the trial Court. He made such request because pending this application the police have filed the chargesheet. In view of the judgment of this Court dated 15.7.2004 rendered in Laxman Irappa Hatti Vs. State of Maharashtra ( Criminal Application No.2816 of 2004), I am inclined to allow the applicant to withdraw this application with the liberty as prayed for. In Irappa Hatti case, this Court has taken a view that filing of the chargesheet is a substantive change of circumstance

and, therefore, the trial Court is obliged to consider merits of the case afresh by allowing the applicant or his Advocate to argue an application for bail on the basis of documents supplied to the accused with the chargesheet. The application is allowed to be withdrawn with the liberty as prayed. If such application is filed by the applicant, same may be decided on merits in accordance with law.

. An authenticated copy of this order may be made available to the parties.

**(D.B.BHOSALE, J.)**